

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF
DINWIDDIE COUNTY HELD AT THE AGRICULTURAL BUILDING
ON APRIL 5, 1967 AT 2:00 P.M.

PRESENT: L. L. MEREDITH, CHAIRMAN
A. M. SMITH, VICE-CHAIRMAN
S. E. WINN
P. E. HAUSER
M. G. CHANDLER

ROWANTY DISTRICT
ROHOIC DISTRICT
DARVILLS DISTRICT
SAPONY DISTRICT
NAMOZINE DISTRICT

IN RE: READING OF MINUTES.

Minutes of the previous meeting were read and approved.

IN RE: ALLOWANCE OF CLAIMS AND SALARIES.

On motion duly made and carried, it is ordered by the Board that the salaries and accounts against the General Fund of the County for the month of March, 1967 amounting to \$6,604.55 be allowed and check numbering 67-253 thru 67-295, both inclusive, be issued, therefore payable out of the General Fund of the County, said claims have been audited and approved by the Board.

IN RE: ALLOWANCE OF CLAIMS AND SALARY AGAINST THE DOG FUND OF THE COUNTY.

On motion duly made and carried, it is ordered by the Board that the salary of \$355.00 be paid to the Dog Warden for the month of March, 1967 and that claims and accounts amounting to \$188.56 be allowed and checks numbering D-67-14 thru D-67-27 both inclusive, be issued, therefore payable out of the Dog Fund of the County, said claims have been investigated by the Dog Warden and approved for payment by the Board.

IN RE: TREASURER'S REPORT.

F. E. Jones, Treasurer, having submitted a written financial report, same was ordered filed with papers of the Board for the month of April, 1967.

IN RE: PUPIL SCHOLARSHIPS 1966-67 2nd SEMESTER.

Mr. George Hodge, Supt. of Schools, presented a request for authorization to pay pupil placement scholarships for the second semester of the 1966-67 school year in the amount of \$3,160.50.

Mr. Chandler moved that this Board appropriate the above amount for pupil scholarships to be paid when presented to the treasurer after approval by the School Board. Mr. Smith seconded. The motion carried.

IN RE: INSURANCE PAYMENTS * TRANSFERRED TO SCHOOL CONSTRUCTION FUND.

Upon request of George M. Hodge, Supt. of Schools, and upon motion of Mr. Chandler, seconded by Mr. Smith and properly carried, the Treasurer is authorized to transfer \$27,137.92, which was received to cover fire losses, from the Sch. Oper. Fund to the School Construction Fund.

IN RE: REZONING E. P. WILKINSON.

The public hearing concerning rezoning a tract of land at the intersection of US 1 and Duncan Road from Residential R-1 to Residential R-2 was continued from the previous meeting.

Herbert T. Williams III read the following letter from the office of the Attorney General:

Honorable M. Watkins Booth
Commonwealth's Attorney for Dinwiddie County
514 Union Trust Building
Petersburg, Virginia

My dear Mr. Booth:

This is in reply to your letter of March 21, 1967, which reads as follows:

"The Board of Supervisors of Dinwiddie County have requested me to obtain an opinion from you with reference to a zoning change. The facts are briefly these: Book 5 PAGE 234 April 5, 1967

"A Mr. Wilkinson, who was operating a trailer court prior to the enactment of the zoning ordinance, on October 26, 1965, requested the Planning Commission to rezone from Residential-1 to Residential R-2 and Use Permit to add ten additional trailers to his trailer court. Prior to this request the area in which Mr. Wilkinson's trailer court is located was zoned Residential, limited, District R-1. The Planning Commission heard the matter on November 17, 1965 and recommended that the Rezoning and Use Permit be denied and Mr. Wilkinson requested the Board of Supervisors to hear the matter who denied the request on January 5, 1966. On August 8, 1966, Mr. Wilkinson filed a petition before the Board of Zoning Appeals for a Special Exception permit to add ten trailers to his trailer court in Restricted R-1 area which request was denied on September 6, 1966, and no appeal was taken from this ruling. Mr. Wilkinson filed another application before the Planning Commission requesting that the area in which his trailer court is located be rezoned from Residential

R-1 to Residential R-2 and Use Permit for ten additional trailers and on February 20, 1967 the Planning Commission approved the request and on March 15, 1967, Mr. Wilkinson appeared before the Board of Supervisors and requested their approval of the application filed on February 6, 1967, and after some discussion the Board continued the matter until April 5, 1967.

"Mr. Wilkinson's trailer court is located in Residential-1 area and no changes have taken place in said area since the zoning ordinance was approved.

"The opponents to the request of Mr. Wilkinson argued before the Board of Supervisors that in view of the fact that the application filed October 26, 1965 by Mr. Wilkinson to rezone the area from R-1 to Residential R-2 and Use Permit for ten additional trailers was refused and no changes have taken place in the area that the Board of Supervisors cannot at this time change this ruling to permit the rezoning of said area from R-1 to R-2 and grant a Use Permit for the addition of ten trailers to Mr. Wilkinson's court. The Board of Supervisors desire to know whether they have a right to hear this matter again and whether or not they have a right to grant Mr. Wilkinson's application of February 6, 1967."

I know of no provision of law which would prohibit the Board of Supervisors from hearing the matter again, nor do I know of any provision of law which would prohibit them from granting the application of February 6, 1967, if they are so disposed.

Some zoning ordinances limit the number of applications which may be filed by one party on the same subject within a given period of time after there has been a denial, but I find no such limitation in your County's ordinance. I assume that there is no such limitation in the rules and regulations adopted by the Planning Commission to govern its hearings, since it has already heard the matter a second time. The arguments of the opponents, which you describe, certainly may be considered on their merits, but I find nothing to support the suggestion that the Board is prohibited, as a matter of law, from granting the application. Thus, in my opinion, the Board may again hear the application on its merits, and grant or deny it.

You may find the copy of the enclosed opinion helpful. (See Report of the Attorney General (1960-1961), p. 24, opinion to Honorable Philip Lee Lotz of August 8, 1960.)

As requested, your copy of the County Zoning Ordinance is returned.

With kind regards, I am

Very sincerely yours,

Robert Y. Button



After hearing all who wished to speak the Chairman asked if members of the Board desired to view the property. No one desired to view it.

Mr. Hauser moved that the area requested in Mr. Wilkinson's application be rezoned from Residential R-1 to Residential R-2. Mr. Chandler seconded. In a discussion Mr. Smith stated that the Board had turned down previous requests to add trailers in R-1 areas and he felt this one should be denied also. The vote was then taken and the motion was carried, three votes "for" two votes "against." (Mr. Hauser and Mr. Chandler and Mr. Winn voted "aye", Mr. Smith and Mr. Meredith voted "no")

IN RE: E. P. WILKINSON - USE PERMIT FOR 10 TRAILERS.

Upon application of E. P. Wilkinson to add an additional 10 trailers to Monwyn Trailer Court in the area previously rezoned Residential R-2, Mr. Hauser moved that a use permit be issued Mr. Wilkinson for an additional 10 trailers. Mr. Chandler seconded. The motion was carried, three votes "for" two votes "against." (Mr. Hauser, Mr. Chandler, and Mr. Winn voted "aye"; Mr. Smith, and Mr. Meredith voted "no.")

IN RE: APPOINTMENT OF ROADVIEWERS.

Upon motions duly made and carried the following were appointed as Road Viewers for a one year term ending March 30, 1968: J. P. Westfall, Will Green, C. Y. Avery, A. R. Springston and M. E. Bass.

IN RE: ROADVIEWER PETITIONS - C. J. ROACH, W. W. RENNIE, B. R. SIMMONS, J. T. RUSSELL, R. A. WALLACE AND VERLENA WILLIAMS.

Petitions of the above persons who have interest in certain roads and request that they be established as part of the Secondary System were received. The Board directed that these petitions be referred to the Road Viewers.

IN RE: ROUTE 627 - PETITION TO CURB AND GUTTER PARTS OF.

There was read a petition signed by 36 persons requesting the Department of Highways to install curbing and gutter on that portion of Route 627 within the village of Dinwiddie if the same is relocated and rebuilt. Same was referred to the Highway Department with cost estimates to be furnished at the next meeting.

IN RE: M. W. BOOTH-WITHDRAWAL FROM ANNEXATION CASE.
HERBERT T. WILLIAMS III APPOINTED TO ANNEXATION CASE.

Upon motion of Mr. Chandler, seconded by Mr. Hauser, and carried, the Board accepted the withdrawal of M. W. Booth as local attorney in the annexation case and appointed Herbert T. Williams III.

IN RE: DELINQUENT REAL ESTATE TAX LIST.

A list of delinquent real estate taxes was submitted to the Board for review. The Board was apprised that M. W. Booth was in the process of selling some of the delinquent parcels. The Executive Secretary was directed to obtain a list of the parcels Mr. Booth has begun to sell.

IN RE: REPAIRS TO CLERKS OFFICE.

There was presented a proposal to install paneling, replace the floor and ceiling, and do other proposed improvements to the Clerks office for a contract price of \$9,000. Same was deferred to be considered as part of the new budget.

IN RE: SPECIAL USE PERMIT FOR CONSTRUCTION OF JAIL.

Upon motion of Mr. Chandler, seconded by Mr. Winn and carried the Executive Secretary was directed to apply to the Board of Zoning Appeals for a special use permit to construct the jail in an R-2 area.

IN RE: SOUTHSIDE AREA MENTAL HYGIENE CLINIC.

Mr. Kirk Lunsford, Jr. Treasurer, Advisory Board of the Southside Area Mental Hygiene Clinic appeared before the Board and requested an additional \$500 be included in the 1967-68 budget appropriations to the clinic. This would make a new amount of \$2,500. Also requested was an additional appropriation of \$500 for the current year. The requests were deferred until the following meeting.

IN RE: VIOLATIONS OF TRAILER ORDINANCE.

The Board was informed that approximately 20 persons were violating the trailer ordinance as shown by a recent survey. The Board directed that a letter be forwarded to these persons advising them of the violation.


L. L. Meredith, Chairman

A TESTE:


~~Executive~~ Secretary